

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ABDIR SALIM,	)	
	)	Civil Action
Petitioner,	)	No. 20-11539-PBS
	)	
v.	)	
	)	First Circuit Court of Appeals
STEPHEN KENNEDY,	)	No. 21-1799
	)	
Respondent.	)	

**ORDER**

**December 9, 2021**

Saris, D.J.

In 2020, Abdir Salim filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 and paid the \$5.00 filing fee. On September 15, 2021, the Court denied Salim's petition and issued a certificate of appealability. (Dkt. Nos. 37, 39). Salim filed a notice of appeal. (Dkt. No. 43).

Now before the Court are Salim's motions for leave to appeal *in forma pauperis*. (Dkt. Nos. 47, 52). The fee to file an appeal is currently \$505.00. The Court may allow a party to proceed on appeal *in forma pauperis* if the party shows that he is unable to pay the appeal fee. See 28 U.S.C. § 1915(a)(1).

Salim's inmate transaction report, dated November 11, 2021, indicates that the balance of his personal account is \$5,334.85. (Dkt. No. 52 at 7-10). Based on this information, the Court

finds that Salim has not shown that he is unable to pay the \$505 appeal fee.

Accordingly, the motions to appeal *in forma pauperis* are DENIED. The Clerk shall provide a copy of this order to the Clerk of the United States Court of Appeals for the First Circuit.

If Salim would like to pursue *in forma pauperis* status on appeal, he may, within thirty (30) days, file a new motion for leave to appeal *in forma pauperis* with the United States Court of Appeals for the First Circuit. See Fed. R. App. P. 24(a)(5).<sup>1</sup>

SO ORDERED.

/s/ Patti B. Saris  
Patti B. Saris  
United States District Judge

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<sup>1</sup>The Rule 24 of the Federal Rules of Appellate Procedure provides:

A party may file a motion to proceed on appeal in forma pauperis in the court of appeals within 30 days after service of the notice [of the district court's order denying the motion to proceed *in forma pauperis*]. The motion must include a copy of the affidavit filed in the district court and the district court's statement of reasons for its action. If no affidavit was filed in the district court, the party must include the affidavit prescribed by Rule 24(a)(1).

Fed. App. P. 24(a)(5). The Clerk shall provide Salim a copy of his financial affidavit and prison account statement (Docket No. 52), which documents he will need should he choose to file a motion to appeal *in forma pauperis* with the First Circuit.